

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 17, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MORRIS BRUCE JACKSON,

Defendant.

No. 1:19-cr-02039-SMJ-1

**ORDER GRANTING
DEFENDANT'S MOTION FOR
RELEASE PENDING
SENTENCING**

*****U.S. MARSHALS SERVICE
ACTION REQUIRED*****

*****RESTRICTED*****

A change of plea hearing occurred in the above-captioned matter on June 11, 2020. Defendant Morris Bruce Jackson appeared and was represented by Kenneth Therrien and Elijah Marchbanks. Assistant U.S. Attorney Richard Burson appeared on behalf of the U.S. Attorney's Office. The Court accepted Jackson's guilty plea and set a schedule for sentencing. ECF Nos. 67, 68.

In a related matter, this Court granted the defendants' request for a continuance and set the new trial date for February 28, 2022. *See generally United States v. Cloud et al.*, No. 1:19-cr-02032-SMJ. As part of his plea agreement with the Government, Jackson has agreed to provide the Government substantial assistance with its investigation, including, but not limited to, testifying at trial

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SENTENCING – 1

1 should one or both Cloud's cases proceed to trial. *See* ECF No. 66. Both the
2 Government and Jackson agree that he should be released from custody pending
3 cooperation in the Cloud matter, which is currently set for trial on February 28,
4 2022. *See* ECF No. 69. To facilitate his release, Jackson moved to continue his
5 sentencing hearing date to April 26, 2022, which this Court granted. ECF Nos. 71,
6 73.

7 The Court has reviewed the second supplemental pretrial services report
8 prepared by the United States Probation Office (USPO). ECF No. 75. Based on its
9 investigation, the USPO concluded that it appears conditions of release can be
10 fashioned by the Court that would reasonably assure future court appearances and
11 address the danger to other persons or the community. *Id.* It recommended for
12 Jackson to be released subject to several standard and special conditions of release.
13 *Id.*

14 The Court conducted an in-person hearing on this matter on February 17,
15 2021. At the hearing, the Court confirmed the Government's agreement to
16 presentencing release and discussed many of the standard and special conditions of
17 release with Jackson. Jackson acknowledged that he reviewed these conditions of
18 release with his attorney and that he understood all conditions of release. Given the
19 Government's agreement and USPO's recommendation, this Court finds good
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1 cause to grant Jackson's motion for release pending sentencing subject to the
2 standard and special conditions of release outlined below.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 **1.** Defendant Morris Bruce Jackson's Unopposed Motion for Release
5 from Custody, **ECF No. 69**, is **GRANTED** subject to the standard and
6 special conditions of release outlined below.

7 **2.** The U.S. Marshals Service shall **RELEASE** Defendant to home
8 detention on **February 18, 2021 at 8:00 A.M.**

9 **3.** Defendant shall be placed on home detention with Global Position
10 Satellite (GPS) monitoring.

11 **4.** Defendant shall be released to his father's Russell Jackson, Sr.'s
12 residence at Underwood In-Lieu Fishing Site in Skamania County.

13 **5.** Defendant shall be fitted with the GPS unit prior to travelling to the
14 Western District of Washington.

15 **6.** The Court adopts all the standard and special conditions of release
16 outlined in the USPO's Second Supplemental Pretrial Services Report,
17 **ECF No. 75**, including, but not limited, to:

18 **Standard Conditions**

19 **A.** Defendant shall not commit any offense in violation of federal,
20 state, or local law. Defendant shall advise the supervising

1 Pretrial Services Officer and defense counsel within one
2 business day of any charge, arrest, or contact with law
3 enforcement. Defendant shall not work for the United States
4 government or any federal or state law enforcement agency
5 unless Defendant first notifies the supervising Pretrial Services
6 Officer in the captioned matter.

7 **B.** Defendant shall immediately advise the Court and the United
8 States Attorney in writing before any change in address.

9 **C.** Defendant shall appear at all proceedings and surrender as
10 directed for service of any sentence imposed.

11 **D.** Defendant shall sign and complete form A.O. 199C before being
12 released and shall reside at the address furnished.

13 **E.** Defendant shall not possess a firearm, destructive device or any
14 dangerous weapons.

15 **F.** Defendant shall report to the U.S. Probation/Pretrial Services
16 office before or immediately after release and shall report as
17 often as they direct, at such times and in such manner as they
18 direct.

19 **G.** Defendant shall contact defense counsel at least once a week.
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1 *H.* Defendant is further advised it is unlawful for any person who
2 is under indictment for a crime punishable by imprisonment for
3 a term exceeding one year, to possess, ship or transport in
4 interstate or foreign commerce any firearm or ammunition or
5 receive any firearm or ammunition which has been shipped or
6 transported in interstate or foreign commerce.

7 *I.* [Defendant shall] [r]efrain from use or unlawful possession of a
8 narcotic drug or other controlled substances defined in 21
9 U.S.C. § 802, unless prescribed by a licensed medical
10 practitioner in conformance with Federal law. Defendant may
11 not use or possess marijuana, regardless of whether Defendant
12 has been authorized medical marijuana under state law.

13 *J.* Defendant shall surrender any passport to Pretrial Services and
14 shall not apply for a new passport.

15 **Special Conditions**

16 *A.* Defendant shall remain in the Western District of Washington
17 and only be allowed travel to the Eastern District of Washington
18 for court related matters as approved by the United States
19 Probation/Pretrial Services Officer.

1 **B.** Defendant shall notify the United States Probation/Pretrial
2 Services Office within 24 hours of any change in address,
3 telephone number, or employment.

4 **C.** Defendant shall avoid all contact, direct or indirect, with any
5 persons who Defendant would reasonably know are or may
6 become a victim or potential witness in the subject investigation
7 or prosecution.

8 **D.** Defendant shall submit to a substance abuse evaluation and
9 undergo any recommended substance abuse treatment as
10 directed by the United States Probation/Pretrial Services Office.
11 Prior to commencing any evaluation or treatment program,
12 Defendant shall provide waivers of confidentiality permitting
13 the United States Probation/Pretrial services office and the
14 treatment provider to exchange without qualification, in any
15 form and at any time, any and all information or records related
16 to Defendant's conditions of release and supervision, and
17 evaluation, treatment, and performance in the program. It shall
18 be the responsibility of defense counsel to provide such waivers.

19 **E.** Defendant shall abstain totally from the use of alcohol.
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1 **F.** Defendant shall submit to random urinalysis and breathalyzer
2 testing as directed by the United States Probation/Pretrial
3 Services Office.

4 **G.** Defendant shall refrain from obstructing or attempting to
5 obstruct or tamper, in any fashion, with the efficiency and
6 accuracy of any prohibited substance testing which is required
7 as a condition of release.

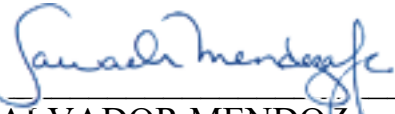
8 **H.** Defendant shall participate in a program of GPS location
9 monitoring. The defendant shall wear, at all times, an electronic
10 device under the supervision of the United States
11 Probation/Pretrial Services Office. In the event the defendant
12 does not respond to location monitoring or cannot be found, the
13 United States Probation/Pretrial Services Office shall forthwith
14 notify the United States Marshals Service, who shall
15 immediately find, arrest, and detain the defendant. The
16 defendant shall pay all or part of the cost of the program based
17 upon ability to pay as determined by the United States
18 Probation/Pretrial Services Office.

19 **I.** Home Detention: Defendant shall be restricted to his residence
20 at all times except for: attorney visits; court appearances; case-

1 related matters; court-ordered obligations; or other activities as
2 pre-approved by the pretrial services office or supervising
3 officer, including but not limited to employment, religious
4 services, medical necessities, substance abuse testing or
5 treatment.

6 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
7 provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals
8 Service.

9 **DATED** this 17th day of February 2021.

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11 SALVADOR MENDOZA, JR.
12 United States District Judge
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